IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 25360 of 2006(R)

PETITIONER:

K.K.PREMA,
KIZHAKKEVILA MEKKEVEEDU,
MANGAD CHERRY, KILIKOLLOOR,
KOLLAM.

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM.

RESPONDENTS:

1. **THE OFFICIAL RECEIVER,**
   C/O.DISTRICT COURT, KOLLAM.

2. **THE PRINCIPAL SUB JUDGE,**
   KOLLAM.

3. **THE DEBTS RECOVERY TRIBUNAL,**
   REP. BY REGISTRAR, PANAMPILLY NAGAR,
   COCHIN-36.

4. **TAX RECOVERY OFFICER,**
   INCOME TAX DEPARTMENT, KOLLAM.

BY ADV. SRI.GEORGE K. GEORGE, SC FOR IT,
ADV. SRI.P.K.RAVEENDRANATHA MENON(SR).,
ADV. SRI.S.SANTHOSH KUMAR,
SR. GOVT. PLEADER SMT. PUSHPALATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.25360/2006-R:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE MAHAZAR DT. 11/01/89 PREPARED BY THE RECEIVER FILED BEFORE THE SUB COURT, KOLLAM.

EXT.P.2: COPY OF THE ORDER IN E.A. 442/94 IN E.P. 1/89 IN O.S. 180/94 DT. 15/10/94 OF THE SUB COURT, KOLLAM.

EXT.P.3: COPY OF THE LETTER DTD. 27/09/2003 FROM THE CHIEF MANAGER, STATE BANK OF INDIA.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

M.N.KRISHNAN, J

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W.P.(C) No.25360 OF 2006

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Dated this the 15th day of October 2007

JUDGMENT

This writ petition is filed for a direction to the first respondent, Official Receiver to return the properties taken possession of from the petitioner by Ext.P1 except those properties sold in auction and reported to the Debt Recovery Tribunal. A perusal of the writ petition and the records would reveal that a Receiver was appointed by the court under Order 40 Rule 1 C.P.C.. The discharge of a Receiver and a direction to hand over the property are all matters which comes within the domain of that court and therefore such a prayer cannot be entertained by this court at this stage.

Therefore with liberty to the writ petitioner to file an application for discharge of the Receiver and to put back the properties, if any, in possession of the writ petitioner, before that court and the court, on consideration of the entire materials and after hearing all parties concerned shall pass appropriate orders in accordance with law.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-